

THE STATE OF TEXAS

RULES AND REGULATIONS
ON-SITE SEWAGE FACILITIES
DEVELOPMENT SERVICES

COUNTY OF COLLIN

On May 14, 2001, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

Ron Harris
Phyllis Cole
Jerry Hoagland
Joe Jaynes
Jack Hatchell

County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

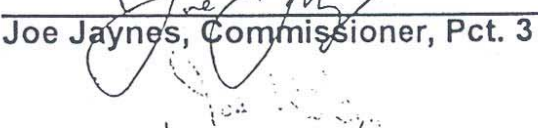
During such session the court considered approval of an order adopting the Rules of Collin County, Texas for On-Site Sewage Facilities.

Thereupon, a motion was made, seconded and carried with a majority vote of the court approving an order adopting the Rules of Collin County, Texas for On-Site Sewage Facilities as attached. Same is hereby approved in accordance with the attached documentation.



Ron Harris, County Judge

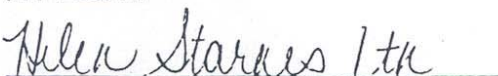
Phyllis Cole, Commissioner, Pct. 1

Jerry Hoagland, Commissioner, Pct. 2

Joe Jaynes, Commissioner, Pct. 3

Jack Hatchell, Commissioner, Pct. 4

ATTEST:



Helen Starnes, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S

**ORDER ADOPTING RULES OF COLLIN COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES**

PREAMBLE

WHEREAS, the Texas Natural Resource Conservation Commission has established Design Criteria for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code, Chapter 366 which authorizes a local government to regulate the use of on-site sewage disposal facilities in its jurisdiction in order to abate or prevent pollution, or injury to public health arising out of the use of on-site sewage facilities; and

WHEREAS, due notice was given of a meeting and public hearing to determine whether the Commissioners' Court of Collin County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the county of Collin, Texas; and

WHEREAS, said meeting and public hearing were held in accordance with the notice thereof, and the evidence and arguments there presented were considered by the Commissioners' Court of Collin County, Texas; and

WHEREAS, the Commissioners' Court of Collin County, Texas finds that the use of on-site sewage facilities in Collin County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of Collin County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in Collin County, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COLLIN COUNTY, TEXAS:

SECTION 1. THAT the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct;

SECTION 2. THAT the use of on-site sewage facilities in Collin County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Order for Collin County, Texas BE adopted entitled "On-Site Sewage Disposal," which shall read as follows:

AN ORDER ENTITLED ON-SITE SEWAGE DISPOSAL

SECTION 4. CONFLICTS.

All Orders or parts of the Orders of Collin County, Texas not consistent with or in conflict with the provisions of this Order are hereby repealed.

SECTION 5. ADOPTING CHAPTER 366.

The County of Collin, Texas clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, does adopt and will fully enforce Chapter 366 of the Texas Health and Safety Code.

SECTION 6. AREA OF JURISDICTION.

- (a) The Rules shall apply to all the area lying in Collin County, Texas except for the area regulated under an existing Rule and the areas within incorporated cities.
- (b) These Rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with Collin County, Texas.

SECTION 7. ON-SITE SEWAGE FACILITY RULES.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of Collin County, Texas must comply with the Rules adopted in Section 8 and 10 of this Order.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules ("Design Criteria For On-Site Sewage Facilities" and Administrative Rules 30 TAC 285.1 – 285.91), attached hereto, promulgated by the Texas Natural Resource Conservation Commission for on-site sewage systems are hereby adopted, and all officials and employees of Collin County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

SECTION 9. INCORPORATION BY REFERENCE.

The Design Criteria and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current design Criteria is attached to these Rules as Appendix I.

SECTION 10. AMENDMENTS.

The County of Collin, Texas wishing to adopt more stringent Rules for its onsite Sewage Facility Order understands that the more stringent conflicting local Rule shall take precedence over the corresponding Texas Natural Resource Conservation

Commission requirement. Listed below are the more stringent Rules adopted by Collin County, Texas:

- (a) Platted or unplatted subdivisions of single family dwellings served by a public water supply, but utilizing on-site sewage facility methods for sewage disposal, platted or designed after the effective date of this order shall provide for individual lots having a surface area of at least one (1) acre.
- (b) Platted or unplatted Subdivisions of single family dwellings served by individual water systems and utilizing on-site sewage facility methods for sewage disposal, platted or designed after the effective date of this order shall provide individual lots having a surface area of at least one and one half (1.5) acres.
- (c) Either a registered professional sanitarian or registered professional engineer who has completed a site-evaluator's course shall perform site evaluations.
- (d) All OSSF Systems in Collin County's jurisdiction shall be subject to Licensing Requirements regardless of lot size.
- (e) Maintenance inspections shall be performed every four months, with no fewer than 120 days and no more than 130 days between inspections.
- (f) All surface irrigation spray heads shall be subsurface (pop-up) heads.

SECTION 11. DUTIES AND POWERS

The Environmental Services Specialists of Collin County, Texas are herewith declared the designated representatives for the enforcement of these Rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Natural Resource Conservation Commission before assuming the duties and responsibilities of the Designated Representative of Collin County.

SECTION 12. COLLECTION OF FEES

All fees collected for permits and/or inspections shall be made payable to Collin County, Texas.

SECTION 13 APPEALS.

Persons aggrieved by an action or decision of the Designated Representative may appeal such action or decision to the Commissioners' Court of Collin County, Texas.

SECTION 14. PENALTIES

This Order adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes, but is not limited to, those found in Chapters 341 and 366 of the Texas Health and Safety Code, Chapter 7 and 26 of the Texas Water Code and 30 TAC Chapter 285.

SECTION 15. SEVERABILITY.

It is hereby declared to be the intention of the Commissioners' Court of Collin County, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrase, clause, sentence, paragraph, or section of this Order should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order, since the same would have been enacted by the Commissioners' Court without incorporation in this Order of such unconstitutional phrases, clause, sentence, paragraph, or section

SECTION 16. RELINQUISHMENT OF ORDER

If the Commissioner's Court of Collin County, Texas decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the Commissioner's Court shall follow that procedure outlined below:

- (a) The Commissioner's Court shall inform the Texas Natural Resource Conservation Commission by certified mail at least 30 days before the published date of the public hearing notice that it wishes to relinquish its On-Site Sewage Facility Order.
- (b) The Authorized Agent shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least 30 days prior to the anticipated date of action by the authorized agent.
- (c) The Authorized Agent shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the minutes to the Texas Natural Resource Conservation Commission.
- (d) The executive director shall process the request for relinquishment and may issue an order relinquishing the authority to regulate OSSF's within the authorized agent's jurisdiction or may refer the request to relinquish to the commission.
- (e) Prior to issuance of a relinquishment order the local governmental entity and the executive director shall determine the exact date the authorized agent would surrender its authorized agent designation to the executive director.


SECTION 17. EFFECTIVE DATE.

This Order shall be in full force and effect from and after its date of approval as required by law and upon the approval of the Texas Natural Resource Conservation Commission.

AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 14 DAY OF May, 2001.

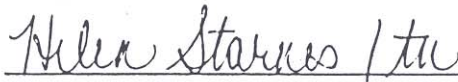
APPROVED:



County Judge

(SEAL)

ATTEST:



County Clerk